

EXHIBIT 9

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California Department of Justice

Silva, Ramon

ROI 18 - BI-LA2022-00016 Interview of CHP Officer

Enrique RAMOS

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1 SPECIAL AGENT DANIEL IBARRA: Today is
2 May 9th, 2022. The time is approximately 1232
3 hours. Special Agent Daniel Ibarra, Serial No.
4 15-0050 with the California Department of Justice
5 Police Shooting Investigation Team. We're here
6 at the East LA CHP station conducting an
7 interview with Officer Ramon Silva regarding the
8 OIS that occurred on the 105 Freeway at Garfield
9 Avenue on the westbound lanes on Wednesday, May
10 4th of this year at approximately 1119 hours.

11 SPECIAL AGENT TONY BACA: Also present
12 is Tony Baca, Special Agent with the California
13 Department of Justice, California Police Shooting
14 Investigative Team. Last name B A C A. Serial
15 No. 20-0001.

16 JAKE JOHNSON: Jake Johnson from the
17 California Association of Highway Patrolman on
18 behalf of Officer Silva.

19 OFFICER RAMON SILVA: My name is Ramon
20 Silva. I'm a motor officer assigned to the East
21 Los Angeles Office, California Highway Patrol.

22 JOSE CHI: May name is Jose Chi. I'm a
23 representative of California Association of
24 Highway Patrolman, representative for Officer
25 Silva.

1 SPECIAL AGENT DANIEL IBARRA: Thank
2 you, sirs. Just double check some stuff here,
3 Mr. Silva. This is a criminal investigation and
4 it will be submitted to the Deputy Attorney
5 General's Office for review.

6 JAKE JOHNSON: Can you get them to
7 identify -- did you forget that?

8 SPECIAL AGENT DANIEL IBARRA: My
9 apologies. We also have two gentlemen here in
10 the room. Please identify yourselves.

11 SERGEANT ADAM TAYLOR: Sergeant Adam
12 Taylor, T A Y L O R, ID 15632, Southern Division
13 Critical Incident Investigation Team.

14 SERGEANT SEAN POMERLEAU: Sergeant Sean
15 Pomerleau, P O M E R L E A U, ID 1612 with the
16 Southern Division Critical Incident Investigation
17 Team.

18 SPECIAL AGENT DANIEL IBARRA: We also
19 have in the adjacent room listening in through
20 the phone, we have our Special Agent Supervisor
21 Samuel Richardson and Special Agent Elvin
22 Hernandez along with Detective Rob Hinds with
23 CHP. My apologies, again, sir.

24 Mr. Silva, this is a criminal
25 investigation. Once completed, it will be

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1 submitted to the Attorney General's Office for
2 review. Do you want to speak with me today?

3 OFFICE RAMON SILVA: I'll give you a
4 voluntary statement.

5 SPECIAL AGENT DANIEL IBARRA: Thank you
6 sir. Have you been ordered to provide a
7 statement?

8 OFFICER RAMON SILVA: No.

9 SPECIAL AGENT DANIEL IBARRA: Thank you
10 sir. We're going to start off with just a little
11 bit of your background, your years of service
12 when you started, things like that. So how long
13 you've been a CHP officer?

14 OFFICER RAMON SILVA: Almost 14 years.

15 SPECIAL AGENT DANIEL IBARRA: Any prior
16 law enforcement experience, prior to that?

17 OFFICER RAMON SILVA: No.

18 SPECIAL AGENT DANIEL IBARRA: Any
19 military experience?

20 OFFICER RAMON SILVA: No.

21 SPECIAL AGENT DANIEL IBARRA: What year
22 did you get hired on?

23 OFFICER RAMON SILVA: July or January
24 2008.

25 SPECIAL AGENT DANIEL IBARRA: I don't

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1 want to assume, but you attended the academy and
2 completed the academy, right?

3 OFFICER RAMON SILVA: You're safe to
4 assume that, sir, yes.

5 SPECIAL AGENT DANIEL IBARRA: Can you
6 provide me a rundown of your assignments
7 throughout the last 14 years? Just in general
8 terms.

9 OFFICER RAMON SILVA: Geographically
10 or?

11 SPECIAL AGENT DANIEL IBARRA: Any
12 specific assignments like traffic, investigative,
13 K-9, anything like that.

14 OFFICER RAMON SILVA: I've been working
15 patrol most of my career. I jumped on motors in
16 2012 and I've been on motor since.

17 SPECIAL AGENT DANIEL IBARRA: Thank
18 you. Your training in addition to the academy,
19 any additional training?

20 OFFICER RAMON SILVA: Can you be a
21 little bit more specific?

22 SPECIAL AGENT DANIEL IBARRA: Have you
23 done any type of in regards to like entry
24 training, SWAT training, taser training, anything
25 in addition to the normal academy?

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1 JAKE JOHNSON: He won't answer anything
2 other than he'll answer -- the question you
3 asked, he'll only answer the question about
4 tasers.

5 OFFICER RAMON SILVA: Can you reask it,
6 sir?

7 SPECIAL AGENT DANIEL IBARRA: Did you
8 receive training in tasers?

9 OFFICER RAMON SILVA: Yes, sir.

10 SPECIAL AGENT DANIEL IBARRA: What was
11 your call sign recent, today, or on the date of
12 the incident?

13 OFFICER RAMON SILVA: I was Mary 2.

14 SPECIAL AGENT DANIEL IBARRA: Your unit
15 identification number? Does your motor have unit
16 numbers?

17 OFFICER RAMON SILVA: Yes.

18 SPECIAL AGENT DANIEL IBARRA: What's
19 that?

20 OFFICER RAMON SILVA: It's Mary 10148.

21 SPECIAL AGENT DANIEL IBARRA: Let me
22 backtrack a little bit. In regards to your
23 uniform, you're out of uniform today, but on the
24 date of the incident where you in uniform?

25 OFFICER RAMON SILVA: Yes, sir.

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1 SPECIAL AGENT DANIEL IBARRA: What's
2 your typical uniform?

3 OFFICER RAMON SILVA: It's a very
4 comfortable tan wool uniforms, some black riding
5 boots. Specifically, they're horse-riding boots,
6 but we use them as motorcycle riding boots. A
7 black, blue and gold helmet, eye protection,
8 gloves, badge, patch, two patches, duty belt.
9 What you'd normally, typically see a CHP officer
10 wearing.

11 SPECIAL AGENT DANIEL IBARRA: And I
12 don't want to assume, but the patches identify
13 you as a California Highway patrolman?

14 OFFICER RAMON SILVA: Safe to assume
15 that, yes, sir.

16 SPECIAL AGENT DANIEL IBARRA: What's
17 your normal shift?

18 OFFICER RAMON SILVA: Are you talking
19 about time, sir?

20 SPECIAL AGENT DANIEL IBARRA: Time-wise
21 and dates.

22 OFFICER RAMON SILVA: I work Monday
23 through Friday, usually, 0600 hours to
24 approximately 1430 hours.

25 SPECIAL AGENT DANIEL IBARRA: On the

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1 date of the incident, what was your shift that
2 day?

3 OFFICER RAMON SILVA: The shift that I
4 just told you.

5 SPECIAL AGENT DANIEL IBARRA: Same
6 thing?

7 OFFICER RAMON SILVA: Yes, sir.

8 SPECIAL AGENT DANIEL IBARRA: And I
9 believe they don't, but I want to make sure I
10 ask. Does your motor vehicle have any cameras?

11 OFFICER RAMON SILVA: My motorcycle --

12 SPECIAL AGENT DANIEL IBARRA: Your
13 motorcycle.

14 OFFICER RAMON SILVA: -- like attached
15 to it?

16 SPECIAL AGENT DANIEL IBARRA: Attached
17 to. Like the patrol cars, the normal patrol cars
18 have the in dash?

19 OFFICER RAMON SILVA: No, there is no
20 video recording on my motorcycle.

21 SPECIAL AGENT DANIEL IBARRA: and
22 before I go any further, have you had a chance to
23 review the video?

24 OFFICER RAMON SILVA: Yes.

25 SPECIAL AGENT DANIEL IBARRA: Okay.

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1 What videos did you review?

2 OFFICER RAMON SILVA: Just my body
3 camera.

4 SPECIAL AGENT DANIEL IBARRA: Any other
5 equipment on your motorcycle besides just what's
6 on your person?

7 OFFICER RAMON SILVA: It's kind of a
8 vague question. What do you mean, sir?

9 SPECIAL AGENT DANIEL IBARRA: Like any
10 extra long guns, shotguns, anything like that on
11 the motor vehicle?

12 OFFICER RAMON SILVA: You're
13 specifically asking about rifles. There's no
14 rifles attached to my motorcycle.

15 SPECIAL AGENT DANIEL IBARRA: All
16 right. I'm going to have you go walk me through
17 the date of the incident as to how you got
18 summoned there. How you got called to the scene
19 there. I'll start from there and just give me a
20 rundown. Instead of me bombard you with
21 questions, as it gets closer to the actual OIS,
22 slow it down for me, instead of me trying.

23 OFFICER RAMON SILVA: Just to be clear.
24 You want me to give you a chronological timeline
25 of how I arrived to the shooting?

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1 SPECIAL AGENT DANIEL IBARRA: Yes, sir,
2 when you got summoned or dispatched.

3 OFFICER RAMON SILVA: Okay. Are you
4 ready?

5 SPECIAL AGENT DANIEL IBARRA: Go ahead.

6 OFFICER RAMON SILVA: So I was, I
7 wasn't assigned to the call. It was just
8 broadcast to the unit that was assigned to that
9 beat, which would have been the Beat 74. When I
10 heard the call, I was northbound Ford Boulevard,
11 just south of Floral, right here. A couple
12 football fields away from here.

13 I was assigned to a, assigned to a
14 different call. I was assigned to a traffic
15 collision with a, with a civil disturbance
16 attached to it, which is the majority of these
17 calls. It was in the unincorporated area, what
18 we consider RB-1. So just -- I think the call
19 was on Ford and Record. I'm sorry, Floral and
20 Record, that's where I was initially responding
21 to.

22 I heard the call and it just came out
23 as a traffic collision with an ambulance
24 responding involving a tractor trailer and a
25 pedestrian. That's unfortunately not too out of

1 ordinary for me. So I had no intention of
2 responding. And then we started to receive more
3 calls as I was still continuing to the other call
4 that I was initially assigned to about the person
5 that was initially hit by the tractor trailer was
6 now attempting to get hit by the cars.

7 At that point, I -- there was only one
8 unit from our area responding. So I thought it'd
9 be a good idea to go help him out. So I
10 discontinued, discontinued my response to the
11 initial traffic collision I was responding to and
12 I made my way south on the 710.

13 As I'm heading down there, we're
14 receiving more and more information via dispatch
15 about this person continuously jumping in and out
16 of traffic. Right before I made the decision to
17 respond there, I asked our dispatcher to -- if
18 she could start air support and by the time as
19 I'm heading south, maybe in the area of Florence,
20 I hear the sheriff's helicopter arrive on scene.
21 By on scene, I mean it was overhead. At that
22 point, the air unit is continuously providing
23 information about the person jumping in and out
24 of cars -- or in front of cars and essentially
25 causing a disturbance on the freeway.

1 I continued south. I exited Garfield,
2 I got back on the 105 westbound at Garfield. And
3 then I went the wrong way and that's when I
4 arrived on scene.

5 SPECIAL AGENT DANIEL IBARRA: You
6 arrived on scene on the 105. And what happened
7 from there?

8 OFFICER RAMON SILVA: So I remember
9 seeing a commotion, what I would describe as a
10 commotion and chaos essentially. There's a lot
11 of people stopped. There was cars stopped and
12 there was a few individuals -- I don't recall how
13 many -- standing around in the shoulder area in
14 the direction I was looking at. So I wasn't
15 quite certain what I -- essentially what I was
16 arriving on scene to. The situation seemed
17 definitely tense and uncertain as I'm viewing it
18 as I'm getting there.

19 At that point, I just remember waving
20 people away because as I'm, you know, as I'm
21 responding, I'm receiving information about this,
22 the description of the person and they described
23 this person as a transient. Somebody I would
24 imagine as homeless. So as I'm arriving on
25 scene, I identify somebody who would match the

1 description provided by what dispatch was giving
2 me and what the air support unit was giving me.
3 And I, initially I was trying to wave people away
4 or, you know, isolate the source of the call. So
5 I was waving cars through, the cars that were
6 stopped. I can only assume what they were doing,
7 but there were cars stopped. I was waving those
8 cars through and obviously you could imagine it
9 was causing traffic to back up. So I was waving
10 cars through as I remember hearing sirens. And
11 so I interpreted that as other CHP units were
12 arriving on scene.

13 Like I said, I arrived on scene and I
14 was trying to isolate the source of the calls or
15 the person who was, you know, the source of all
16 these calls. Once I identified that, I let my
17 dispatcher know what I saw and I saw the person
18 with his hands in his pocket. And then I let my
19 dispatcher know that I was just going to wait for
20 somebody else to get there to -- prior to making
21 contact. And at that time, like I said, I saw, I
22 don't explicitly remember, but there was a CHP
23 unit that I remember seeing bringing in a traffic
24 break. So at that point I thought we had, you
25 know, the tactical advantage of traffic being

1 stopped. And isolating this person to this one
2 area so we can just put handcuffs on him and get
3 him out of there.

4 So the traffic break that I envisioned
5 or that I was hoping it was going to get there
6 was, I don't know, you can only, I can only
7 speculate, but the officer that I initially
8 observed or the patrol unit that I observed
9 bringing in a traffic break kind of started
10 driving towards me and like completely past the
11 person that I identified as the source of the
12 calls, which confused me because, like I said, I
13 thought we had a, we have a tactical advantage.
14 I was content with just, you know, waiting there
15 for more help.

16 Like I said, help arrived, but it was,
17 like I said, I couldn't speculate what the
18 officer was thinking. And he kind of put his
19 patrol car in between me and the person that was
20 the source of these calls.

21 Do you want me to continue?

22 SPECIAL AGENT DANIEL IBARRA: Go ahead,
23 sir.

24 OFFICER RAMON SILVA: Like I said, I
25 observed this person, the source of the calls,

1 matched the description. He had his hands in his
2 pocket which, I mean for lack of a better term,
3 scared the shit out of me. So that's why I was
4 just going to wait. Like I said, the officer
5 then positioned his patrol vehicle in between me
6 and the person. I observed the officer made a
7 brief glance at him. It was identified as a male
8 officer. He jumped out of his patrol car and
9 drew his firearm at that point, as did I.

10 Within seconds it seemed like, it's
11 hard to quantify in terms of time how quickly it
12 happened, but as, you know, we're on, I observed
13 my partner, you know, the other officer firearm
14 drawn, My firearm is drawn, I'm telling this
15 person to let me see his hands. It happened
16 almost simultaneous. He made, he started
17 charging the officer, the partner officer, who's
18 patrol car was directly in front of me and he was
19 standing out of my line, direct line of sight to
20 the right.

21 The person charges at the officer and
22 pulls out, I see him pull out of his -- I see him
23 remove his hands from his pocket. And there's a
24 long, almost like a cylindrical silver thing in
25 his hand, which at the time I identified it as a

1 firearm. But as he's running, he obscures it, he
2 obscures himself for me because he's behind the
3 patrol car now. And I just remember it's, you
4 know, it's like I said, it's hard to quantify,
5 but I was just thinking fuck because now there's,
6 now there's a crossfire situation where I'm in no
7 position to return fire or, you know, help my
8 partner out who's being charged at by somebody
9 with a firearm.

10 So there was this, this brief second of
11 just helplessness. And, mind you, this is
12 happening within seconds and so I . e to make a
13 conscious decision. You know, I say it like it's
14 a conscious decision, but it was like I can't
15 explain to you exactly, like I said, it's hard to
16 quantify or how to put into words, but I have to
17 make a decision whether I'm going to remain in
18 this helpless situation, essentially a crossfire
19 situation where I'm not going to be able help my
20 partner if he takes rounds or he falls, whether,
21 you know, I have to make a decision whether to go
22 to cover behind the patrol car, essentially out
23 of, out of play, or -- sorry.

24 SPECIAL AGENT DANIEL IBARRA: Take your
25 time.

1 SPECIAL AGENT DANIEL IBARRA: -- or the
2 alternate, or the alternative would be to step
3 out with no cover and essentially, mentally I was
4 prepared to get shot because at that point I had
5 no cover. I was, I mean it's like I said, I'm
6 sitting here and I'm trying to explain it to you,
7 but unless you're there, you'll never know, but -
8 -

9 JAKE JOHNSON: Do you want to take a
10 break?

11 OFFICER RAMON SILVA: No, I'm good.

12 JAKE JOHNSON: You good.

13 OFFICER RAMON SILVA: Essentially I had
14 to make a decision whether to help my partner or
15 get shot. So I've, I waited until the last
16 fuckin' minute. I took a step out; I hear the
17 pop. I said, oh fuck, you know, somebody,
18 somebody fired a round off. And I still see, I
19 see my partner, the other CHP officer kind of
20 doing this weird side-step thing were I wasn't
21 certain if he was it and in that same, you know,
22 that same moment, there's a person still charging
23 at me in a shooting stance. And the rest, it was
24 just automatic what I was trained to do. I
25 observed a lethal threat in front of me and I

1 responded with equal amounts of force.

2 The person, the lethal threat,

3 immediately fell to the ground. Then I advised

4 my partner to take cover and we took cover until

5 other CHP units arrived on scene.

6 SPECIAL AGENT DANIEL IBARRA: what
7 happened after the other units arrived?

8 OFFICER RAMON SILVA: So I remember we
9 retreated to cover and I believe it was Officer
10 Ramos arrived on scene and at that point, we --
11 myself and the initial officer who made contact -
12 - we prior, I'm sorry, prior to -- I don't recall
13 in which order it happened -- but we made a
14 decision to arrest or place handcuffs on the
15 subject who is now lying on the ground in front
16 of you.

17 I believe, I don't know, I don't recall
18 exactly who was on scene but an officer placed
19 his handcuffs or I think it was my handcuffs, I
20 don't recall. We placed handcuffs on the subject
21 and began to render medical aid.

22 SPECIAL AGENT DANIEL IBARRA: Thank
23 you, sir. We'll take a break from there.

24 JAKE JOHNSON: We'll take ten minutes.

25 SPECIAL AGENT DANIEL IBARRA: Sure.

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1 We'll take a 10-minute break.

2 (Off the record)

3 SPECIAL AGENT DANIEL IBARRA: We're
4 here to continue with the interview of Officer
5 Silva. The time is 1311 hours.

6 Officer Silva, we're going to back and
7 do some follow ups. Going back to when you were
8 traveling southbound on the 710 and you had
9 mentioned that you were receiving additional
10 dispatch communication. Can you tell me a little
11 bit, some of the communication that you were
12 receiving?

13 OFFICER RAMON SILVA: Specifically what
14 was being said, I don't recall, but the nature of
15 what was being relayed to me was essentially that
16 there was a person jumping in front of cars,
17 causing cars to swerve, causing cars to, you
18 know, potentially collide into other cars. At
19 some point there was, you know, I received a call
20 that there was, you know, bystanders attempting
21 to restrain the person to no avail. It was
22 essentially being related to me that there was
23 mass chaos on the freeway for lack of a better
24 word.

25 SPECIAL AGENT DANIEL IBARRA: You

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1 mentioned that there were bystanders restraining
2 the suspect and that he was jumping in front of
3 cars. Is that -- I know that's not normal, but
4 is that something normal that you've seen?

5 OFFICER RAMON SILVA: No, it was
6 absolutely abnormal.

7 SPECIAL AGENT DANIEL IBARRA: Okay.
8 What kind of red flags does that throw in your
9 mind as you're going towards the scene?

10 OFFICER RAMON SILVA: Somebody who has
11 the capability of violence. Somebody, like
12 somebody that just will stop at nothing to cause
13 mayhem or injury to other people, to people's
14 property. It just completely put me on high
15 alert as to the type of person that was out
16 there. Somebody who is readily capable of
17 inflicting harm on others.

18 SPECIAL AGENT DANIEL IBARRA: You
19 stated that you requested for air support. In
20 your mind, what caused you to request air
21 support?

22 OFFICER RAMON SILVA: You know as a
23 patrol officer, a lot of the times, you know,
24 just my experience, a lot of the -- my training,
25 you know, the experience that I have here in

1 working patrol is area support is, most often
2 than not, it's invaluable. It's great to have,
3 you know, somebody up top essentially, you know,
4 quarterbacking something or just give you a
5 obviously a bird's eye view of what you're
6 arriving on scene to because, you know, as patrol
7 officers, we, you know, we usually arrive
8 somewhere on the freeway or wherever it is, we
9 can only see in one direction. You know and
10 there's so many other variables when it comes to,
11 you know, situations such as this, but just in
12 general, situations that are, you know, dynamic,
13 rapidly evolving and it helps to have as many
14 eyes on whatever it is that you're arriving on
15 scene to. That's what air support provides and
16 that's why I requested it.

17 SPECIAL AGENT TONY BACA: So my
18 understanding is that you called it in an attempt
19 to try to get as much and gather as much info to
20 assist you in making that, a better decision on
21 the ground.

22 OFFICER RAMON SILVA: Correct, sir.
23 That's a correct interpretation of what I just
24 said. And you had mentioned that air support
25 provided your information. What type of info did

1 it provide you? That you can recall.
2 OFFICER RAMON SILVA: Explicitly, I
3 can't remember what was said, but essentially
4 confirmed what the initial calls we were
5 receiving, you know, on the onset of this call,
6 that there was a person jumping in front of cars,
7 run across the freeway, causing vehicles to
8 nearly collide with each other, nearly collide
9 with the pedestrians, you know, the person, the
10 source of the calls. It essentially reinforced
11 everything that dispatch had initially related to
12 us.

13 SPECIAL AGENT DANIEL IBARRA: And you
14 had mentioned that as you were approaching, you
15 were seeing a lot of chaos. You saw a lot of
16 people. You weren't sure as to how many, the
17 number of folks that were there in that area.
18 Can you tell me roughly where you're at, as you
19 were seeing, as you're approaching that scene?

20 OFFICER RAMON SILVA: Can you be more
21 specific?

22 SPECIAL AGENT DANIEL IBARRA: Were you
23 in the lanes? Were you on the shoulder?

24 OFFICER RAMON SILVA: So as I
25 previously stated, I accessed the scene wrong

1 way. So I was, if I'm facing the scene, I was
2 traveling with -- my motorcycle was on the
3 northernmost portion of the scene along what
4 would be the westbound right shoulder. I was
5 facing east.

6 SPECIAL AGENT DANIEL IBARRA: And
7 that's when you saw the number of folks out
8 there?

9 OFFICER RAMON SILVA: Correct.

10 SPECIAL AGENT DANIEL IBARRA: And at
11 this point, had you determined who the
12 individual, the suspect was?

13 OFFICER RAMON SILVA: Not immediately,
14 sir.

15 SPECIAL AGENT DANIEL IBARRA: And you
16 had mentioned something about, and I might have
17 understood it wrong, but my understanding was
18 that dispatch said something along the lines that
19 they described them as a transient homeless.
20 Does that sound right?

21 OFFICER RAMON SILVA: No, you do not
22 understand that wrong. That was correct.

23 SPECIAL AGENT DANIEL IBARRA: Okay.

24 OFFICER RAMON SILVA: From what I
25 recall, dispatch relayed to us, people were

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1 described, or the calls that were coming in were
2 describing this person as a transient, homeless,
3 you know, disheveled, stuff of that nature. I
4 can only speculate as to what the calls were, but
5 what was relayed to me, what I heard was that it
6 was a transient/homeless. I don't recall exactly
7 what.

8 SPECIAL AGENT DANIEL IBARRA: Okay.
9 Did they -- and you may recall or not -- but do
10 you remember what they described him clothing
11 wise?

12 OFFICER RAMON SILVA: I don't recall
13 that, sir.

14 SPECIAL AGENT DANIEL IBARRA: And going
15 back to the part where you're waving folks
16 through, what's your concern there? Why are you
17 waving those folks through or moving them out of
18 the way?

19 OFFICER RAMON SILVA: Yeah, man --

20 SPECIAL AGENT DANIEL IBARRA: I can
21 only assume, but I want to make sure I hear.

22 OFFICER RAMON SILVA: So many things.
23 So obviously we have potentially or a violent,
24 unstable -- or a tense situation occurring, you
25 know, right in front of me. So my concern is to

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1 essentially get everybody out of harm's way
2 because what, you know, all the information we
3 had up on that point, this was nothing short of
4 an unpredictable person. And I was trying to
5 isolate this person so that nobody else gets
6 hurt.

7 SPECIAL AGENT DANIEL IBARRA: Okay,
8 fair enough. And then you had mentioned that you
9 saw the person, the suspect, with his hands in
10 his pocket. When you, when you saw that moment
11 in time, where was the individual at and where
12 were you at?

13 OFFICER RAMON SILVA: I was still more
14 or less in the area of the shoulder in the
15 northernmost lane of the freeway. I don't recall
16 specifically. But in that general area.

17 SPECIAL AGENT DANIEL IBARRA: And where
18 was the suspect/decedent at?

19 OFFICER RAMON SILVA: Still about, you
20 know, 50 to 100 feet away from me, still also on
21 the right shoulder.

22 SPECIAL AGENT TONY BACA: Were both
23 hands in the pocket?

24 OFFICER RAMON SILVA: Yes.

25 SPECIAL AGENT DANIEL IBARRA: And

1 that's when you stated that you have seen him
2 reach into his pocket. Do you remember which,
3 which pocket?

4 OFFICER RAMON SILVA: He had both of
5 his hands in his pockets.

6 SPECIAL AGENT DANIEL IBARRA: Both
7 hands. From that position, did you, did you ever
8 see him extend his arms out? Did he pull
9 something out of the pockets or did he keep them
10 in his pockets?

11 OFFICER RAMON SILVA: When he made the
12 bee line or when he started charging the officer,
13 he removed his hands from his pockets.

14 SPECIAL AGENT DANIEL IBARRA: So when
15 he ran towards the other officer, that was from a
16 different area, correct? Not necessarily you.

17 OFFICER RAMON SILVA: Yes.

18 SPECIAL AGENT DANIEL IBARRA: And you
19 saw him take his hands out of his pockets?

20 OFFICER RAMON SILVA: Yes, sir.

21 SPECIAL AGENT DANIEL IBARRA: What was
22 your concern at that moment?

23 OFFICER RAMON SILVA: Weapons.

24 SPECIAL AGENT DANIEL IBARRA: And why
25 is that a concern if he's moving towards your

1 partner?

2 OFFICER RAMON SILVA: Why is that a
3 concern? Is that a rhetorical question?

4 SPECIAL AGENT DANIEL IBARRA: I just
5 want to make sure it's stated out.

6 OFFICER RAMON SILVA: I was in fear for
7 my partner's life. Sorry, I don't need to make a
8 joke out of it.

9 SPECIAL AGENT DANIEL IBARRA: No, as an
10 officer, I get you, but I got to get it on record
11 here.

12 OFFICER RAMON SILVA: I'm okay with it.

13 SPECIAL AGENT DANIEL IBARRA: And how
14 close at that moment in time, how close was he to
15 your partner?

16 OFFICER RAMON SILVA: At what point,
17 sir?

18 SPECIAL AGENT DANIEL IBARRA: When you
19 felt that, you were in fear for your partner's
20 life?

21 OFFICER RAMON SILVA: Oh, man. A
22 lane's width, maybe 10 to 12 feet.

23 SPECIAL AGENT TONY BACA: Any commands
24 given?

25 OFFICER RAMON SILVA: That I can hear

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1 from --

2 SPECIAL AGENT TONY BACA: from yourself
3 or your partner?

4 OFFICER RAMON SILVA: Yes, there were
5 commands.

6 SPECIAL AGENT TONY BACA: From who?

7 OFFICER RAMON SILVA: From me.

8 SPECIAL AGENT TONY BACA: What command
9 did you give?

10 OFFICER RAMON SILVA: I told him to
11 show me his hands.

12 SPECIAL AGENT DANIEL IBARRA: And you
13 said he was charging at you. Where were his
14 hands at?

15 OFFICER RAMON SILVA: I never said he
16 was trying to me, sir.

17 SPECIAL AGENT DANIEL IBARRA: Moving
18 towards you.

19 OFFICER RAMON SILVA: He was never
20 moving towards me, sir.

21 SPECIAL AGENT DANIEL IBARRA: Your
22 partner, sir, when he was moving towards your
23 partner at any point, where were his hands?

24 OFFICER RAMON SILVA: He removed them
25 from his pockets.

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1 SPECIAL AGENT DANIEL IBARRA: As he's
2 going towards your partner?

3 OFFICER RAMON SILVA: Yes, sir.

4 SPECIAL AGENT DANIEL IBARRA: At that
5 moment, did you see anything in his hands?

6 OFFICER RAMON SILVA: I did.

7 SPECIAL AGENT DANIEL IBARRA: What did
8 you see from your perspective? What did you see
9 in his hands?

10 OFFICER RAMON SILVA: Something I
11 identified as a firearm. It was a long
12 cylindrical metal or metal and color, a silver-
13 colored cylindrical firearm.

14 SPECIAL AGENT DANIEL IBARRA: Now in
15 your 14 years of experience, is that normal for
16 somebody to advance towards an officer in uniform
17 like that?

18 OFFICER RAMON SILVA: No, it's
19 abnormal.

20 SPECIAL AGENT DANIEL IBARRA: Did that
21 cause -- I'm trying to find the right word here --
22 - but did that cause more concern for you now?

23 OFFICER RAMON SILVA: Absolutely.

24 SPECIAL AGENT DANIEL IBARRA: Not a few
25 seconds, you had mentioned around that time in

1 the moment there, you had mentioned that you were
2 a bit confused because you suspected that your
3 partner was going to be doing a break in traffic
4 and he didn't.

5 OFFICER RAMON SILVA: I'm sorry, was
6 that a question, sir?

7 SPECIAL AGENT DANIEL IBARRA: Just a
8 little bit, just a few minutes before that
9 incident, I'm backtracking a little bit and I
10 apologize for that. But just before that moment
11 in time, you had mentioned earlier on that you
12 were a little bit confused because you suspected
13 that your partner is going to do a break and he
14 didn't.

15 OFFICER RAMON SILVA: Correct.

16 SPECIAL AGENT DANIEL IBARRA: Was there
17 communication that he was going to do that or did
18 you guys communicate at all about that or?

19 OFFICER RAMON SILVA: So the
20 unfortunate, you know, however you want to call
21 it, set of circumstances that, you know, appeared
22 ahead of me was that this area that where this
23 incident occurred, is what I would consider like
24 CHP purgatory because it's the short area of
25 freeway where there's three areas that

1 essentially converge in the area of jurisdiction.
2 So I had no communication with the other unit
3 responding because he was from a different area.
4 So within, you know, a couple of couple hundred
5 thousand feet, there's three areas that have
6 responsibility within, you know, eye shot.

7 SPECIAL AGENT DANIEL IBARRA: So there
8 was no way, even if you wanted to, there's no way
9 for you to communicate to him in that, in that
10 moment in time.

11 OFFICER RAMON SILVA: Correct. Not in
12 a situation that was so rapidly evolving.

13 SPECIAL AGENT DANIEL IBARRA: Okay. So
14 going back to where we're at where you see the
15 suspect, you see him reaching into his hands, you
16 see him moving towards your officer, your
17 partner. Your fear for your partner's life. You
18 had mentioned that in between that moment, he
19 went -- and I'm just making sure I heard it
20 correctly -- he went behind the SUV, the patrol
21 car?

22 OFFICER RAMON SILVA: Correct, you
23 heard correctly, sir. He was momentarily
24 obscured from my vision because he ran directly,
25 in my line of sight, he ran behind towards my

1 partner behind the patrol vehicle.

2 SPECIAL AGENT DANIEL IBARRA: So it's
3 safe to say you lost sight of him briefly.

4 OFFICER RAMON SILVA: That is safe to
5 say, sir.

6 SPECIAL AGENT DANIEL IBARRA: And prior
7 to losing sight of him, you had seen him with
8 that object in his hand.

9 OFFICER RAMON SILVA: Correct.

10 SPECIAL AGENT DANIEL IBARRA: And is
11 that the moment in time where you observed your
12 partner unholster his weapon?

13 OFFICER RAMON SILVA: I observed him
14 unholster the weapon, it was prior to that
15 moment.

16 SPECIAL AGENT DANIEL IBARRA: Prior to
17 that.

18 OFFICER RAMON SILVA: So as I was
19 arriving on scene and as I described that moment
20 of confusion where he kind of cut in front of me,
21 or cutting between myself, and as he's getting
22 now, you know, as he's jumping out of his patrol
23 car in my line of sight, I see him draw out his
24 firearm.

25 SPECIAL AGENT DANIEL IBARRA: Okay.

1 And going back to the point where the suspect or
2 suspect at the scene is running behind the SUV,
3 did you see your partner, what was he doing at
4 that moment?

5 OFFICER RAMON SILVA: I can't recall
6 specifically what he was doing. My focus was on
7 the person that was momentarily obscured behind
8 their vision and was going to going to pop out
9 directly in front of me at some point.

10 SPECIAL AGENT DANIEL IBARRA: How fast
11 was that in your mind? How fast was that moment
12 that he took off behind the SUV to when you saw
13 him again?

14 OFFICER RAMON SILVA: Like I said, I
15 can give you a number and I can say seconds but
16 it's something that's just it's so difficult to
17 quantify in terms of numbers, but it was --

18 SPECIAL AGENT DANIEL IBARRA: Like a
19 snap of a finger.

20 OFFICER RAMON SILVA: Yeah, I mean
21 something that you have to experience, and like I
22 said, just happened like that.

23 SPECIAL AGENT DANIEL IBARRA: From your
24 perspective, very quick.

25 OFFICER RAMON SILVA: Absolutely. Did

1 you have any other alternative considering what
2 you had seen him do on the shoulders with his
3 hands in his pocket, considering that you had
4 seen him have remove an object out of his person
5 or his pockets, considering that he ran around
6 the corner there at that very quick moment in
7 mind, did you have any other options?

8 OFFICER RAMON SILVA: I had no options,
9 sir.

10 SPECIAL AGENT DANIEL IBARRA: What
11 would have happened if let's say you tried to,
12 just to rule it out, you would have tried to do a
13 taser? Could he have advanced on you prior to
14 you being able to switch weapons?

15 OFFICER RAMON SILVA: I don't
16 understand that question. Are we like what
17 iffing it?

18 SPECIAL AGENT DANIEL IBARRA: I'm just
19 trying to get an idea of how much time here based
20 off on your training.

21 OFFICER RAMON SILVA: Oh, would I have
22 time to deploy?

23 SPECIAL AGENT DANIEL IBARRA: If you
24 had switched, if you have switched gears,
25 switched weapons, would you have had the time to

1 be able to switch to your less lethal?

2 OFFICER RAMON SILVA: No, it would have
3 been futile.

4 SPECIAL AGENT DANIEL IBARRA: Would
5 that have placed you in danger?

6 OFFICER RAMON SILVA: Absolutely.

7 SPECIAL AGENT DANIEL IBARRA: And you
8 had mentioned that when he came around that SUV
9 and I guess my question is where exactly where
10 his hands? You mentioned something about a
11 position that that you saw from him.

12 OFFICER RAMON SILVA: So when he
13 reappeared, his hands were for the recording I'm
14 going to obviously make a shooting stance, you
15 know, they were in this direction.

16 SPECIAL AGENT TONY BACA: So you're
17 showing me your hands fully stretched out in
18 front of you as if you were shooting a firearm?

19 OFFICER RAMON SILVA: Correct.

20 SPECIAL AGENT TONY BACA: Is that what
21 his hands were?

22 OFFICER RAMON SILVA: That's what I
23 observed.

24 SPECIAL AGENT TONY BACA: And I just
25 want to make sure I'm correct here. He's doing

1 this simultaneously as he's --

2 OFFICER RAMON SILVA: Still charging at
3 me, yeah.

4 SPECIAL AGENT TONY BACA: By this,
5 you're putting both of your hands in front of
6 you?

7 OFFICER RAMON SILVA: Yes.

8 SPECIAL AGENT DANIEL IBARRA: Now you
9 had mentioned earlier about you had a bit of
10 concern with crossfire. How close was your
11 partner at that moment to you and -- relative to
12 you and the suspect?

13 OFFICER RAMON SILVA: Can you repeat
14 that question? Sorry.

15 SPECIAL AGENT DANIEL IBARRA: So at
16 that point there's a bit of a like a triangle
17 separation, right?

18 OFFICER RAMON SILVA: Yeah.

19 SPECIAL AGENT DANIEL IBARRA: Sort of.
20 About how close is your partner to the decedent
21 and you? It's two questions I guess.

22 OFFICER RAMON SILVA: Okay, so what's
23 your first question?

24 SPECIAL AGENT DANIEL IBARRA: How close
25 was the officer to you?

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1 OFFICER RAMON SILVA: To me? I would
2 say the distance from me to that wall.

3 SPECIAL AGENT DANIEL IBARRA: Okay. So
4 about 15 feet, 30 feet maybe. Up?

5 OFFICER RAMON SILVA: Ten feet.

6 SPECIAL AGENT DANIEL IBARRA: Ten feet.
7 And how close was your partner to the suspect, to
8 the decedent?

9 OFFICER RAMON SILVA: From my point of
10 view, he was on top of him, so within arm's
11 reach.

12 SPECIAL AGENT DANIEL IBARRA: And you
13 had mentioned that around that time, you said
14 that for a brief second, a moment of
15 helplessness.

16 OFFICER RAMON SILVA: Yes, I said that.

17 SPECIAL AGENT DANIEL IBARRA: How did
18 you feel at that moment?

19 OFFICER RAMON SILVA: Helpless.

20 SPECIAL AGENT DANIEL IBARRA: Nothing
21 else I can do, right?

22 OFFICER RAMON SILVA: Yeah. It felt
23 like I was in no position to help because here we
24 have, you know, somebody with a gun charging my
25 partner and here I am standing right behind him,

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1 you know helplessness.

2 SPECIAL AGENT DANIEL IBARRA: And you
3 had mentioned something about being concerned for
4 -- you had to make a conscious decision to take
5 cover or step up with no cover. And I know
6 you're a motorcycle officer, motorcycle officers,
7 how much cover do you have with the unit compared
8 to somebody with an SUV?

9 OFFICER RAMON SILVA: You got a wallet?
10 Are you asking how much cover does a motorcycle
11 provide?

12 SPECIAL AGENT DANIEL IBARRA: Right.

13 OFFICER RAMON SILVA: Probably nothing.
14 And I'd have to be crouching or on all fours to
15 receive any sort of viable cover.

16 SPECIAL AGENT DANIEL IBARRA: So just
17 kind of bear with me here a little bit. So you
18 already know the feeling, I'm assuming, I don't
19 want to assume, about being in a position of no
20 cover?

21 OFFICER RAMON SILVA: Correct.

22 SPECIAL AGENT DANIEL IBARRA: So you
23 clearly knew you were in a position of no cover.

24 OFFICER RAMON SILVA: No man's land,
25 yes, sir.

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1 SPECIAL AGENT DANIEL IBARRA: Right
2 around that moment, you said that you heard a
3 pop. Can you describe a little bit more of that
4 sound? What did it sound to you?

5 OFFICER RAMON SILVA: Like a gunshot.

6 SPECIAL AGENT DANIEL IBARRA: And that
7 was not you shooting. You suspected somebody
8 else.

9 OFFICER RAMON SILVA: It was not me.
10 Correct.

11 SPECIAL AGENT DANIEL IBARRA: And then
12 you notice the individual do what?

13 OFFICER RAMON SILVA: I still see the
14 individual charging at me and my partner with his
15 hands in the shooting stance.

16 SPECIAL AGENT DANIEL IBARRA: So the
17 threat was still continuing.

18 OFFICER RAMON SILVA: Yes.

19 SPECIAL AGENT TONY BACA: At this time,
20 your firearm was unholstered?

21 OFFICER RAMON SILVA: Yes.

22 SPECIAL AGENT TONY BACA: And where
23 were you aiming?

24 OFFICER RAMON SILVA: At the threat.

25 SPECIAL AGENT TONY BACA: Was that

1 sight picture?

2 OFFICER RAMON SILVA: I don't know what
3 that means, sir.

4 SPECIAL AGENT TONY BACA: Did you have
5 your sites aligned?

6 OFFICER RAMON SILVA: It was just
7 reactive, sir.

8 SPECIAL AGENT TONY BACA: Reactive.
9 Your shooting platform, one hand, two hands?

10 OFFICER RAMON SILVA: Two hands.

11 SPECIAL AGENT TONY BACA: Visual
12 obstructions?

13 OFFICER RAMON SILVA: Yes.

14 SPECIAL AGENT TONY BACA: Which were?

15 OFFICER RAMON SILVA: The patrol car.

16 SPECIAL AGENT TONY BACA: And what was
17 behind the decedent or or suspect when you fired?

18 OFFICER RAMON SILVA: There was a
19 tractor trailer.

20 SPECIAL AGENT DANIEL IBARRA: Then you
21 mentioned that the person immediately fell to the
22 ground. Did you continue to give commands?

23 OFFICER RAMON SILVA: Yes.

24 SPECIAL AGENT DANIEL IBARRA: Was the
25 individual complying with those commands?

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1 OFFICER RAMON SILVA: No.

2 SPECIAL AGENT DANIEL IBARRA: And you
3 mentioned you retreated to get cover and
4 additional officers arrived on scene.

5 OFFICER RAMON SILVA: Correct.

6 SPECIAL AGENT DANIEL IBARRA: You made
7 a decision to cuff the suspect from there?

8 OFFICER RAMON SILVA: I did not
9 physically cuff him. I believe my partner did.

10 SPECIAL AGENT DANIEL IBARRA: Did you
11 search at all this individual?

12 OFFICER RAMON SILVA: I did not.

13 SPECIAL AGENT DANIEL IBARRA: Did you
14 see any weapon in the area of the individual's
15 person?

16 OFFICER RAMON SILVA:

17 SPECIAL AGENT DANIEL IBARRA: What did
18 you see? Did you see any objects around his
19 person?

20 OFFICER RAMON SILVA: I saw the long
21 cylindrical metal, or I perceived it to be a
22 metal object the firearm that he was holding,
23 what I perceived as a firearm laying on the
24 ground next to him.

25 SPECIAL AGENT DANIEL IBARRA: Can you

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1 describe that a little bit more?

2 OFFICER RAMON SILVA: That's about the
3 best of my description, sir.

4 SPECIAL AGENT DANIEL IBARRA: You had
5 handcuffs on him. The other officers arrive.
6 Who provided medical care?

7 OFFICER RAMON SILVA: I think it was
8 the initial officer, my partner, who arrived on
9 scene and then I believe Officer Ramos arrived on
10 scene and him and my, you know, the officer who
11 initially arrived, who I described as my partner
12 up until this point, him and Officer Ramos and I
13 think there was another CHP officer as well. I
14 don't recall who.

15 SPECIAL AGENT DANIEL IBARRA: And what
16 type of, if you know, what type of first aid did
17 they render?

18 OFFICER RAMON SILVA: I don't know,
19 sir.

20 SPECIAL AGENT DANIEL IBARRA: And just
21 a follow up on your firearm, what type of firearm
22 do you have?

23 OFFICER RAMON SILVA: A Smith and
24 Wesson MMP, 40 caliber.

25 SPECIAL AGENT DANIEL IBARRA: 40?

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1 OFFICER RAMON SILVA: Yes, sir.

2 SPECIAL AGENT DANIEL IBARRA: And how
3 many mags do you carry?

4 OFFICER RAMON SILVA: I carry a total
5 of five magazines.

6 SPECIAL AGENT DANIEL IBARRA: Topped
7 off to what? To what number?

8 OFFICER RAMON SILVA: I'm sorry?

9 SPECIAL AGENT DANIEL IBARRA: How much
10 do you care in each mag?

11 OFFICER RAMON SILVA: 15 rounds.

12 SPECIAL AGENT DANIEL IBARRA: And one
13 in the chamber?

14 OFFICER RAMON SILVA: Yes, sir.

15 SPECIAL AGENT DANIEL IBARRA: How many
16 rounds do you believe you shot?

17 OFFICER RAMON SILVA: Well, they did
18 the round count in front of me so I know I shot
19 six rounds.

20 SPECIAL AGENT DANIEL IBARRA: Six
21 rounds?

22 OFFICER RAMON SILVA: Yes, sir.

23 SPECIAL AGENT TONY BACA: Were you
24 injured?

25 OFFICER RAMON SILVA: Not that you can

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1 see.

2 SPECIAL AGENT DANIEL IBARRA: There's a
3 moment in the video, it's kind of hard to explain
4 --

5 OFFICER RAMON SILVA: Do your best,
6 sir.

7 SPECIAL AGENT DANIEL IBARRA: You can
8 see your body and then once the cuffs go on, can
9 you explain that a little bit more?

10 OFFICER RAMON SILVA: Well, it was a
11 lethal threat neutralized and that's, you know,
12 the physical embodiment of it.

13 SPECIAL AGENT DANIEL IBARRA: Did you -
14 - I'm not trying to put words in your, but I just
15 want to get kind of explain. Is there a moment
16 of relief that the threat was over?

17 OFFICER RAMON SILVA: Absolutely.

18 SPECIAL AGENT DANIEL IBARRA: What was
19 going through your mind in those few seconds that
20 that made you feel that and then that release?

21 OFFICER RAMON SILVA: At one moment,
22 sir?

23 SPECIAL AGENT DANIEL IBARRA: During
24 that event, during those few seconds there.

25 OFFICER RAMON SILVA: What was going

1 through my mind? Fear. It's hard to quantify
2 let alone put into words. I just thought I
3 wouldn't see my son grow up.

4 SPECIAL AGENT TONY BACA: What do you
5 think would have happened if you hadn't fired the
6 firearm?

7 OFFICER RAMON SILVA: At the time, I
8 was thinking that I was going to get shot.

9 SPECIAL AGENT TONY BACA: What was your
10 intent when you fired your firearm?

11 OFFICER RAMON SILVA: To neutralize a
12 lethal threat.

13 SPECIAL AGENT DANIEL IBARRA: After the
14 EMT Services, did you see any, did you see the
15 scene? Were you able to see what else was there?

16 OFFICER RAMON SILVA: Not that I can
17 recall, sir.

18 SPECIAL AGENT DANIEL IBARRA: Did any
19 witnesses come up to you and provide any
20 additional information that you can recall?

21 OFFICER RAMON SILVA: That I can
22 recall, no, sir.

23 SPECIAL AGENT TONY BACA: Have you ever
24 had any contact with the decedent suspect before?

25 OFFICER RAMON SILVA: Not that I -- I

1 don't know who he is. So I can't even answer
2 that.

3 SPECIAL AGENT TONY BACA: When you're
4 responding to the situation, what type of person
5 do you think you're going to be dealing with?

6 OFFICER RAMON SILVA: A violent person.

7 SPECIAL AGENT TONY BACA: And did you
8 receive dispatch updates?

9 OFFICER RAMON SILVA: Yes.

10 SPECIAL AGENT TONY BACA: In regards to
11 his behavior.

12 OFFICER RAMON SILVA: Correct.

13 SPECIAL AGENT TONY BACA: Can you
14 describe the communication with dispatch?

15 OFFICER RAMON SILVA: Between me and
16 dispatcher? It was it was one-way communication.
17 It was, you know, dispatch letting us know that,
18 you know, another car almost collided with him
19 causing other collisions or near collisions.
20 People trying to hold him down, just like I said,
21 it was one-way communication constantly.

22 SPECIAL AGENT TONY BACA: Did they ever
23 put out how many people were trying to put him
24 down?

25 OFFICER RAMON SILVA: Not that I can

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1 recall, sir.

2 SPECIAL AGENT TONY BACA: Are you
3 familiar with that area?

4 OFFICER RAMON SILVA: Yes.

5 SPECIAL AGENT DANIEL IBARRA: I got a
6 follow up. I know the event was captured on a
7 body-worn video camera.

8 OFFICER RAMON SILVA: Yes, sir.

9 SPECIAL AGENT DANIEL IBARRA: Is that
10 your body-worn camera?

11 OFFICER RAMON SILVA: Correct.

12 SPECIAL AGENT DANIEL IBARRA: And it's
13 personally owned or department owned?

14 OFFICER RAMON SILVA: Correct, it's
15 mine.

16 SPECIAL AGENT TONY BACA: What kind of
17 camera is it?

18 OFFICER RAMON SILVA: It's the Axon
19 Body II.

20 SPECIAL AGENT TONY BACA: And where do
21 you carry it at?

22 OFFICER RAMON SILVA: On patrol?

23 SPECIAL AGENT TONY BACA: Yes.

24 OFFICER RAMON SILVA: On my chest.
25 Right about here.

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1 SPECIAL AGENT TONY BACA: And you're
2 pointing at?

3 OFFICER RAMON SILVA: My chest.

4 SPECIAL AGENT TONY BACA: What part of
5 your chest?

6 OFFICER RAMON SILVA: My upper chest.

7 SPECIAL AGENT DANIEL IBARRA: And I
8 don't know the policy obviously because I'm not a
9 member of your department, what is the policy on
10 carrying your personal, if you if you can recall
11 it?

12 OFFICER RAMON SILVA: I can't spout it.

13 SPECIAL AGENT TONY BACA: What was the
14 lighting like in that day?

15 OFFICER RAMON SILVA: It was daylight.

16 SPECIAL AGENT TONY BACA: Any
17 obstructions? Any shadows or anything like that?

18 OFFICER RAMON SILVA: Not that I can
19 recall.

20 SPECIAL AGENT TONY BACA: I got to ask
21 this question. Did you consider other use of
22 force options?

23 OFFICER RAMON SILVA: There was nothing
24 else. There was no other force options that
25 were, that seemed appropriate at the time.

1 SPECIAL AGENT TONY BACA: Why?

2 OFFICER RAMON SILVA: Because I was
3 confronted with a lethal threat.

4 SPECIAL AGENT TONY BACA: I have to ask
5 this. Was it feasible to attempt any form of de-
6 escalation?

7 OFFICER RAMON SILVA: No.

8 SPECIAL AGENT TONY BACA: Why?

9 OFFICER RAMON SILVA: Because this
10 person created the exigency. He charged at us.
11 I was more than content with sitting there
12 waiting for, you know, back up or whatever.
13 However, this was -- however we could have
14 attempted to defuse it. However, this person
15 created this situation to escalate.

16 SPECIAL AGENT TONY BACA: Another
17 question. Why did you choose the weapon you
18 used?

19 OFFICER RAMON SILVA: Because that was
20 the only lethal threat, or lethal force option I
21 had on my person.

22 SPECIAL AGENT TONY BACA: What did you
23 use for cover and/or concealment?

24 OFFICER RAMON SILVA: The patrol car.

25 SPECIAL AGENT TONY BACA: Why?

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1 OFFICER RAMON SILVA: Because as your
2 partner said, or we both said, my motorcycle does
3 not provide much cover.

4 SPECIAL AGENT DANIEL IBARRA: Is there
5 anything else that you would want to add that
6 neither one of us have asked you that you think
7 is pertinent to the incident?

8 SPECIAL AGENT TONY BACA: I got
9 something I want to revisit with him.

10 SPECIAL AGENT DANIEL IBARRA: Sure.

11 SPECIAL AGENT TONY BACA: So going back
12 to anything that you said to the suspect, do you
13 remember what you said to him and when?

14 OFFICER RAMON SILVA: Explicitly, I
15 remember when I initially arrived on scene and
16 the partner officer, you know, positioned his
17 patrol car between us. At that point, you know,
18 I started moving way slowly there. I remember
19 ordering to show me his hands.

20 SPECIAL AGENT TONY BACA: And do you
21 know how many times you said that?

22 OFFICER RAMON SILVA: I don't recall
23 how many times.

24 SPECIAL AGENT TONY BACA: Do you know
25 if you said anything else to him prior to

1 shooting?

2 OFFICER RAMON SILVA: I don't recall.

3 SPECIAL AGENT TONY BACA: Have have you
4 been trained by the Highway Patrol that verbally
5 giving orders as a form of de-escalation?

6 OFFICER RAMON SILVA: Yes, I have, sir.

7 SPECIAL AGENT TONY BACA: That's all we
8 have on that.

9 SPECIAL AGENT DANIEL IBARRA: Thank
10 you, sir. Anything else? Mr. Silva, I
11 appreciate your time, sir. Thank you so much.
12 This concludes the interview at approximately
13 1:46 in the afternoon.

14 (Interview concluded)

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C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certify that the foregoing transcript is a true and accurate record of the proceedings.



Veritext Legal Solutions
330 Old Country Road
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Date: May 27, 2022

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Veritext Legal Solutions
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California Code of Civil Procedure

Article 5. Transcript or Recording

Section 2025.520

(a) If the deposition testimony is stenographically recorded, the deposition officer shall send written notice to the deponent and to all parties attending the deposition when the Original transcript of the testimony for each session of the deposition is available for reading, correcting, and signing, unless the deponent and the attending parties agree on the record that the reading, correcting, and signing of the transcript of the testimony will be waived or that the reading, correcting, and signing of a transcript of the testimony will take place after the entire deposition has been concluded or at some other specific time.

(b) For 30 days following each notice under subdivision (a), unless the attending parties and the deponent agree on the record or otherwise in writing to a longer or shorter time period, the deponent may change the form or the substance of the answer to a question, and may either approve the transcript of the deposition by signing it, or

refuse to approve the transcript by not signing it.

(c) Alternatively, within this same period, the deponent may change the form or the substance of the answer to any question and may approve or refuse to approve the transcript by means of a letter to the deposition officer signed by the deponent which is mailed by certified or registered mail with return receipt requested. A copy of that letter shall be sent by first-class mail to all parties attending the deposition.

(d) For good cause shown, the court may shorten the 30-day period for making changes, approving, or refusing to approve the transcript.

(e) The deposition officer shall indicate on the original of the transcript, if the deponent has not already done so at the office of the deposition officer, any action taken by the deponent and indicate on the original of the transcript, the deponent's approval of, or failure or refusal to approve, the transcript. The deposition officer shall also notify in writing the parties attending the deposition of any changes which the deponent timely made in person.

(f) If the deponent fails or refuses to approve the transcript within the allotted period, the

deposition shall be given the same effect as though it had been approved, subject to any changes timely made by the deponent.

(g) Notwithstanding subdivision (f), on a seasonable motion to suppress the deposition, accompanied by a meet and confer declaration under Section 2016.040, the court may determine that the reasons given for the failure or refusal to approve the transcript require rejection of the deposition in whole or in part.

(h) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to suppress a deposition under this section, unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

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